रजिस्ट्री सं० डी० 221 REGISTERED NO. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 15] नई दिल्ली, शुक्रवार, अप्रैल 14, 1972/चैत्र 22, 1894
No. 15] NEW DELHI, FRIDAY, APRIL 14, 1972/CHAITRA 25, 1894

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

20 V 1972

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 14th April, 1972:—

I

Bill No. VII of 1972

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1972. Short title.

2. In the First Schedule to the Constitution, under the heading "I. The States", in the column containing the names of the States, in entry 14, for the words "West Bengal", the words "Banga Pradesh" shall be substituted. Amendment of the First Schedule.

3. In the Fourth Schedule to the Constitution, in entry 15, for the words "West Bengal", the words "Banga Pradesh" shall be substituted. Amendment of the Fourth Schedule.

STATEMENT OF OBJECTS AND REASONS

Undivided Bengal, till 1947, was regionally described as "East Bengal", "West-Bengal" and "North Bengal". When East-Bengal was annexed to Pakistan it was given the name "East-Pakistan" and the portion of Bengal which remained in India, namely West Bengal and North Bengal, was given the name 'West Bengal' in the Constitution of India. This, therefore, was a loose expression and not consistent with the actual geography of the area comprised in the State. Even to-day there are North Bengal University, North Bengal Medical College and so on. East Bengal has now become an independent country and assumed the name "Bangla Desh". In the context of this new change of situation, 'West-Bengal' should be named 'Banga Pradesh', and this will be consistent with the names of other Indian States, like Madhya Pradesh, Uttar Pradesh, and Andhra Pradesh. Historically speaking, 'Banga' was the original of the English 'Bengal' and Anga-Banga-Kalinga constituted one geographical entity.

Hence the Bill.

DWIJENDRALAL SEN GUPTA

II

Bill No. X of 1972

A Bill further to amend the Indian Succession Act, 1925.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Indian Succession (Amendment), Act, 1972. Short Title.

39 of 1925. 2. For section 37 of the Indian Succession Act, 1925 the following section shall be substituted, namely:— Substitution of Section 37.

"37. Notwithstanding anything contained in any other law for the time being in force, where the intestate has left surviving him a child or children, but no more remote lineal descendant through a deceased child, the property shall belong to his surviving child, if there is only one, or shall be equally divided among all his surviving children.".

STATEMENT OF OBJECTS AND REASONS

The Indian Succession Act, 1925, was applicable throughout the territory of India as it existed prior to the 15th August, 1947 and amongst the communities to which it was applied was included the community of Indian Christians. In a decision reported in 1956 K.L.T. 559, the Kerala High Court has held that section 6 of Part B States (Laws) Act, III of 1951, having not repealed the Travancore Christian Succession Act (Regulation XI of 1092), intestate succession and distribution of property would be in terms of the Travancore Act and not in terms of the Indian Succession Act so far as Christians in Travancore area are concerned. This has been held because of section 29(2) of the Indian Succession Act which saves any other law for the time being in force. For the same reasons this will be the position so far as Christians are concerned in the Cochin area also where the Cochin Christian Succession Act (Act VI of 1097) is in operation, and has not been repealed. The repeal of the above enactments will have to be considered, if at all, by the State legislature. These enactments contain various provisions on other matters also. However, it is necessary to have a common Code for the Indian Christian Community throughout the territory of India as contemplated by the Indian Succession Act. The result is that even as far as Kerala State is concerned, there is one kind of law of intestate succession for Indian Christians in the Malabar area which was formerly included within Madras State of the former British India and another law for the Cochin area and another law for the Travancore area. Under section 28 of the Travancore Christian Succession Act the daughter has only a fractional share in the father's property, going to her as *Sthreedhanam*, which will be one-fourth of the value of the share of a son, or Rs. 5000/- whichever is less. There is almost a similar provision in the Cochin Act also. Under section 37 of the Indian Succession Act, the father's property, for the purposes of intestate succession, shall be equally divided among all his surviving children (which includes both sons and daughters). Thus the Indian Succession Act does not make any distinction between a son and a daughter but the Travancore and Cochin Acts assign to the daughter a very inferior, subordinate position. This anomaly is all the more glaring because of the fact that in one portion of Kerala, i.e., Malabar, the son and the daughter of a Christian are in an equal position, while in the rest of the State the daughters get only a very small share by intestate succession.

The above position is very anomalous and can be rectified by an amendment to the Indian Succession Act. The saving contained in section 29(2) has to be subjected to a *non obstante* clause to be introduced in section 37. Hence the Bill.

K. CHANDRASEKHARAN.

B. N. BANERJEE,

Secretary.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1972